

translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Rec'd PCT/PTO 10 JAN 2005

PCT/DE2003/002229



Applicant's or agent's file reference 2002P11043WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/002229	International filing date (day/month/year) 03 July 2003 (03.07.2003)	Priority date (day/month/year) 09 July 2002 (09.07.2002)
International Patent Classification (IPC) or national classification and IPC H04Q 7/24		
Applicant SIEMENS AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 10 November 2003 (10.11.2003)	Date of completion of this report 17 June 2004 (17.06.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE2003/002229

I. Basis of the report

1. With regard to the elements of the international application:*

☐ the international application as originally filed

☒ the description:

pages _____ 1-16 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☒ the claims:

pages _____ 1-19 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____

☒ the drawings:

pages _____ 1/2-2/2 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE 03/02229

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-19	YES
	Claims		NO
Inventive step (IS)	Claims	1-19	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-19	YES
	Claims		NO

2. Citations and explanations

This report refers to the following document cited in the search report:

D1: WO 01 06800 A (ERICSSON TELEFON AB L M)
25 January 2001 (2001-01-25).

1.1 The present invention is defined by a method (claim 1) and corresponding device (claim 18) for executing a command signalled by a media gateway controller to change the coding at the media gateway, said media gateway only testing the coding change when it has determined, on the basis of one or more further incoming commands signalled to the media gateway, that all current commands for changing the coding of this context are present.

1.2 The closest prior art, WO-A-0106800 (D1), discloses a method that proceeds to change the coding at the media gateway immediately upon receiving the first command signalled by a media gateway controller to change the coding at the media gateway.

1.3 The method of changing the coding at the media gateway according to claim 1 differs from the

disclosure of D1 in that the command to change the coding at the media gateway is not carried out until the media gateway has determined, on the basis of one or more further incoming commands signalled to the media gateway, that all current commands for changing the coding of this context are present.

- 1.4 Consequently, based on the arguments in 1.3 above, the subject matter of claim 1 and hence that of the corresponding claim 18 is novel (PCT Article 33(2)).
- 1.5 The problem to be solved by the present invention is that of optimizing the method of changing the coding at the media gateway by avoiding unnecessary load due to short-term activation and deactivation of a transcoder (which determines the coding).
- 1.6 None of the relevant citations disclose or suggest that the method of changing the coding at the media gateway be implemented in such a way that the coding change is not carried out until it has been determined, on the basis of one or more further incoming commands signalled to the media gateway, that all current commands to change the coding of this context are present, thereby avoiding unnecessary load due to short-term activation and deactivation of a transcoder and hence solving the objective problem.
- 1.7 Consequently, as argued in 1.6 above, the subject matter of claim 1 and hence that of corresponding claim 18 involves an inventive step (PCT Article 33(3)).
- 1.8 The subject matter of claims 1 and 18 also has

industrial applicability and so also satisfies the requirements of PCT Article 33(1).

2. Dependent claims 2-17 and 19 concern further details on implementing the method according to claim 1 and the device according to claim 18, respectively, and therefore are also novel (PCT Article 33(2)), inventive (PCT Article 33(3)) and industrially applicable (PCT Article 33(4)).

Further observations in connection with the present application

1. Claim 19 is unclear (PCT Article 6) because it cannot be unambiguously determined whether claim 19 constitutes an independent claim or a dependent claim in relation to claim 18.
 - 1.1 The expression "especially according to claim 18" suggests that claim 19 is dependent.
 - 1.2 However, if the term "especially" indicates only one option, then all the remaining options would define independent claims. In such a case claim 19 would be both dependent and independent.
 - 1.3 The device according to claim 19 (having all the essential features of the invention) should therefore be formulated as an independent claim, while claim 18 should be formulated as being dependent on claim 19. A renumbering of the claims would then be necessary.
2. Pursuant to PCT Rule 5.1(a)(iii), the description should cite document D1 and briefly outline the